

Supply of the Treasury.

945



Acts and Laws

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, begun and held at *Boston*, upon Wednesday the Twenty-sixth Day of *May* 1736. And continued by several Prorogations unto Wednesday the Twenty-fourth Day of *November* following and then Met.

CHAP. VI.

An Act for supplying the Treasury with the Sum of *Eighteen Thousand Pounds* in Bills of Credit of the present Form and Tenor; and *Nine Thousand Pounds* in Bills of Credit of a new Form, for discharging the publick Debts, &c. And for establishing the Wages of sundry Persons, &c. in the Service of the Province, and for the more easy and effectual drawing in the said *Eighteen Thousand Pounds* into the Treasury again, and for the apportioning the said *Nine Thousand Pounds* on the several and respective Towns in the Province.

BE it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,

That the Treasurer be and hereby is impowered and directed to issue forth and emit the Sum of *Eighteen Thousand Pounds* in Bills of Credit on this Province, now lying in his Hands and received for Taxes, Impost, Excise, &c. Which Sum of *Eighteen Thousand Pounds* shall be employed for the necessary Defence and Support of this Government, and for the Protection and Preservation of the Inhabitants thereof; the whole of it to be applied for the Payment of His Majesty's Council who served in the General Court at their sitting in *March* last past, and for the Payment of the Council who served in the General Court from the beginning of the Session in *May* One Thousand seven Hundred and thirty six, unto the end of the Session or Ses-

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sions

Supply of
18,000

Use thereof
not to be
applied
to other
uses

fions thereof until *May One Thousand seven Hundred and thirty seven*, who shall be entitled to *Ten Shillings per Diem* in Bills of Credit, to be paid out of the publick Treasury upon Warrant, according to the Directions in the ROYAL CHARTER, Certificate to be given by the Secretary or his Deputy of the Number of Days of such Member's Attendance, and Travel to and from the said Court, Twenty Miles to be accounted a Days Travel; and for the Payment of the Representatives who served in the General Court at their sitting in *March* last past; and for the Payment of the Representatives serving in the General Court for the Year current, who shall each be entitled to *Six Shillings per Diem* in Bills of Credit, to be paid out of the publick Treasury upon Warrant as aforesaid, Certificate to be given by the Clerk of the House of Representatives of the Number of Days of such Members Attendance and Travel to and from said Court, Twenty Miles to be accounted a Days Travel; and for the payment of *Jeremiab Allen*, Esq; late Treasurer, his Accompt of Disbursements; and for the payment of Stipends, Bounties and Præmiums established by Law; and for such other Matters and Things as this Court have by Law or Orders provided for; and for no other Purposes whatsoever.

A ND for a Fund and Security for drawing in such Sum or Sums as shall be paid out to the Representatives of the several Towns in manner as aforesaid;

Fund.

Be it enacted by the Authority aforesaid, That there be and hereby is granted unto His most Excellent MAJESTY a Tax of such Sum or Sums as shall be paid to the several Representatives as aforesaid, to be levied and assessed on the Polls and Estates of the Inhabitants of the several Towns, according to what their respective Representatives shall so receive, which Sums shall be set on the said Towns in the next Province Tax; and the Assessors of the said Towns shall make their Assessment for this Tax and Apportion the same according to the Rule that shall be prescribed by Act of the General Assembly for assessing the next Province Tax; and the Constables in their respective Districts shall pay in the same when they pay in the Province Tax for the next Year; of which the Treasurer is hereby directed to keep a distinct and separate Accompt.

A ND as a further Fund and Security for drawing in the remaining Part of the aforesaid Sum of Eighteen Thousand Pounds into the Treasury again;

Be it enacted by the Authority aforesaid, That there be and hereby is granted unto his most excellent MAJESTY for the ends and uses aforesaid, a Tax of so much as will be remaining and not paid in by the several Towns, for so much as their respective Representatives shall receive out of the publick Treasury, so as to compleat and make the Sum of *Eighteen Thousand Pounds*, to be levied on Polls and Estates both Real and Personal within this Province, according to such Rules and in such Proportions on the several Towns and Districts within the same, as shall be agreed upon and ordered by this Court at their Session in *May, One thousand seven hundred and thirty seven*, and paid into the publick Treasury on or before the last day of *December* then next coming.

A ND whereas through the scarcity of Bills of Credit it may then be difficult for Persons to convert the produce of their Lands into Bills, and pay their Rates in them;

Liberty to pay the Tax in Silver or new Bills, &c.

It is further Ordered, That the Inhabitants of this Province shall have liberty, if they see fit, to pay the several Sums for which they respectively may, in pursuance of this Act, be Assessed, either in Silver, one Ounce whereof shall be received in lieu of *Twenty Shillings* of the Tax, and so in proportion for a greater or less Sum, or in publick Bills of the Form and Tenour in this Act provided, to be Imprinted and Issued at the Rate

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Rate and Proportion of one to three, or in Hemp or Flax at such moderate Rates and Prizes as the General Assembly shall set them at; which Species shall be received by the Treasurer of the several Constables and Collectors, and by him forthwith, or as soon as conveniently may be, disposed of, for the most they may fetch in Bills of Credit on the Province, or in Silver or Gold for the calling in or redeeming the said Bills; and if any loss shall happen by the Sale of the aforesaid Species, or any other unforeseen Accident shall arise, such deficiency shall be made good by a Tax of the next year following, so as fully and effectually to call in the whole Sum of Bills emitted as aforesaid; and if by the Sale of the said Species there shall be any Surplus it shall be and remain a Stock in the Treasury.

And be it Enacted by the Authority aforesaid,

That the Wages of the Captain of Castle William shall be at the Rate of Four pounds four shillings and eight pence per Month, from May the twenty-first, One thousand seven hundred and thirty-six, to the twenty eighth of February, One thousand seven hundred and thirty six, of the Lieutenant for that term Two pounds eleven shillings and four pence per Month, of the Chaplain Two pounds one shilling per Month, of the Gunner One pound ten shillings and nine pence per Month, of the Gunners Mate One pound six shillings and eight pence per Month, of the Serjeant Seventeen shillings and ten pence per Month, of Six Quarter Gunners each Seventeen shillings and ten pence per Month, of three Corporals and a Drummer each Sixteen shillings per Month, of thirty Centinels each Thirteen shillings and four pence per Month; and that the several Officers of Castle William aforementioned, together with fifteen Centinels only shall receive Wages from the first of March One thousand seven hundred and thirty six, to the twentieth of May One thousand seven hundred and thirty seven, as the several Rates abovementioned, and that there be allowed for their Subsistence Five shillings per Week for each Man.

Establishment of Wages for the Garrison at Castle William

And be it further enacted by the Authority aforesaid,

That the Wages of the Captain of the Country's Sloop from the twenty first of May, One thousand seven hundred and thirty six, to the twentieth of May One thousand seven hundred and thirty seven, shall be at the Rate of Two pounds per Month, of the Mate One pound six shillings and eight pence per Month, three Sailors at Twenty shillings per Month each, for the Sloop Six pounds thirteen shillings and four pence per Month.

Country's Sloop.

And be it further enacted by the Authority aforesaid,

That the Wages of the Captain of Richmond Fort from the Twenty first of May, One thousand seven hundred and thirty six, to the Twenty eighth of February, One thousand seven hundred and thirty six, shall be at the Rate of One pound six shillings and eight pence per Month, of one Lieutenant Seventeen shillings and ten pence per Month, of one Serjeant Seventeen shillings and ten pence per Month, of two Corporals Sixteen shillings per Month each, of sixteen Centinels each Thirteen shillings and four pence per Month, of one Armourer Two pounds per Month, of one Interpreter Two pounds per Month, one Truck-Master Forty pounds per Annum, and for the Chaplain there Thirty three pounds six shillings and eight pence per Annum; And that from the first of March One thousand seven hundred and thirty six to the twentieth of May One thousand seven hundred and thirty seven, the Wages of the Captain of said Richmond Fort shall be at the Rate of One pound six shillings and eight pence per Month, of one Lieutenant Seventeen shillings and ten pence per Month, of one Corporal Sixteen shillings per Month, of nine Centinels each Thirteen shillings and four pence per Month, of one Armourer Two pounds per Month, of one Interpreter Two pounds per Month, one Truck-Master at Forty pounds per Annum, and for the Chaplain there Thirty three pounds six shillings and eight pence per Annum.

Richmond Fort

And

Truck House
at George's Ri-
ver.

And be it further enacted by the Authority aforesaid,
That the Wages of the Captain of the Truck-House on George's River from May the twenty first, *one thousand seven hundred and thirty six*, to February the twenty eighth *one thousand seven hundred and thirty six*, shall be at the Rate of *one pound six shillings and eight pence* per Month, of one Lieutenant *seventeen shillings and ten pence* per Month, of one Serjeant *seventeen shillings and ten pence* per Month, of two Corporals each *sixteen shillings* per Month, of sixteen Centinels *thirteen shillings and four pence* each per Month, of one Armourer *two pounds* per Month, of one Interpreter *two pounds* per Month, to the Truck-Master after the Rate of *forty pounds* per Annum, and to the Chaplain after the Rate of *thirty three pounds six shillings and eight pence* per Annum; and that from the first of March *one thousand seven hundred and thirty six* to the twentieth of May *one thousand seven hundred and thirty seven*, the Wages of the Captain of the said Truck-House on Georges River, shall be at the Rate of *one pound six shillings and eight pence* per Month, of one Lieutenant *seventeen shillings and ten pence* per Month, of one Corporal *sixteen shillings* per Month, of ten Centinels each *thirteen shillings and four pence* per Month, of one Armourer *two pounds* per Month, of one Interpreter *two pounds* per Month, to the Truck-Master after the Rate of *forty pounds* per Annum, and to the Chaplain after the rate of *thirty three pounds six shillings and eight pence* per Annum.

Truck House
at Saco River.

And be it further enacted by the Authority aforesaid,
That the Wages of the Captain of the Truck-House at Saco from May the twenty first *one thousand seven hundred and thirty six* to the twenty eighth of February *one thousand seven hundred and thirty six*, shall be at the Rate of *one pound six shillings and eight pence* per Month, of the Lieutenant *seventeen shillings and ten pence* per Month, of the Corporal *sixteen shillings* per Month, of thirteen Centinels *thirteen shillings and four pence* each per Month, of an Interpreter *two pounds* per Month, of one Armourer *two pounds* per Month, of the Truck-Master at the Rate of *thirty three pounds six shillings and eight pence* per Annum; and that the several Officers at the said Truck-House as above-mentioned, together with eight Centinels only receive Wages from the first of March *one thousand seven hundred and thirty six* to the twentieth of May *one thousand seven hundred and thirty seven*, according to the rates abovementioned.

Frederick Fort.

And be it further enacted by the Authority aforesaid,
That the Wages of the Captain at Frederick's Fort from the twenty first of May, *one thousand seven hundred and thirty six* to the twenty eighth of February *one thousand seven hundred and thirty six*, shall be at the Rate of *one pound six shillings and eight pence* per Month, of the Lieutenant *seventeen shillings and ten pence* per Month, of the Corporal *sixteen shillings* per Month, and of fifteen Centinels each *thirteen shillings and four pence* per Month.

Brunswick
Fort.

And be it further enacted by the Authority aforesaid,
That the Wages of the Captain of the Fort at Brunswick, from May the twenty first *one thousand seven hundred and thirty six* to the twenty eighth of February *one thousand seven hundred and thirty six*, shall be at the Rate of *one pound six shillings and eight pence* per Month; of the Lieutenant *seventeen shillings and ten pence* per Month; of one Corporal *sixteen shillings* per Month, and of thirteen Centinels, each *thirteen shillings and four pence* per Month.

Block House
above North-
field.

And be it further enacted by the Authority aforesaid,
That the Wages of the Captain of the Block-House above Northfield, from May the twenty-first *one thousand seven hundred and thirty six*, to the twenty-eighth of February *one thousand seven hundred and thirty six*, shall be at the Rate of *one pound six shillings and eight pence* per Month; of the Lieutenant, *seventeen*

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seventeen shillings and ten pence per Month, of one Serjeant Seventeen shillings and ten pence per Month, of one Corporal Sixteen shillings per Month, of sixteen Centinels each Thirteen shillings and four pence per Month, the Truck-Master at the rate of Thirty three pounds six shillings and eight pence per Annum, and the Chaplain at the rate of Thirty three pounds six shillings and eight pence per Annum; And from the first of March One thousand seven hundred and thirty six to the twentieth of May One thousand seven hundred and thirty seven, the Wages of the Captain of the said Block-House shall be at the Rate of One pound six shillings and eight pence per Month, of the Lieutenant Seventeen shillings and ten pence per Month, of one Corporal Sixteen shillings per Month, of twelve Centinels each Thirteen shillings and four pence per Month, the Truck-Master at the rate of Thirty three pounds six shillings and eight pence per Annum, and the Chaplain at the rate of Thirty three pounds six shillings and eight pence per Annum; and that there be allowed for the Subsistence of each Man two shillings and eight pence per Week.

And be it further enacted by the Authority aforesaid,

That before Payment of any Muster-Roll be allowed, Oath be made by the Officer or Person presenting such Roll as heretofore as to the Service of the Officers and Soldiers before the publication of this Act, and that the Officers and Soldiers born on said Rolls after the Publication of this Act, have been in actual Service for the whole time they stand entred thereon.

Oath to be made to the Muster-Roll.

And be it further enacted by the Authority aforesaid,

That there be forthwith Imprinted a certain number of Bills of Credit on this Province, in the Sums following, viz. Ten pence, one shilling and eight pence, three shillings and four pence, six shillings and eight pence, ten shillings, twenty shillings, thirty shillings, and forty shillings, which in the whole shall amount to the Sum of nine thousand Pounds and no more; which Bills shall be stamp'd with such Stamps as the Governour and Council shall project and direct, and be sign'd by a Committee to be nominated and appointed by this Court, they or any three of them, and of the following Tenour,

1. 9000 of Bills of Credit of a new Form to be made.

Twenty Shillings.

Twenty Shillings.

THIS Bill of Twenty Shillings due from the Province of the Massachusetts-Bay in New-England, to the Possessor thereof, shall be in Value equal to three Ounces of coin'd Silver, Troy Weight, of Sterling Alloy, or Gold Coin at the rate of Four Pounds eighteen Shillings per Ounce; and shall be accordingly accepted by the Treasurer and Receivers subordinate to him in all Payments (the Duties of Impost and Tunnage of Shipping and Incomes of the Light-House only excepted) and for any Stock at any Time in the Treasury. Boston By Order of the Great and General Court or Assembly.

Tenour of the Bills.

Twenty Shillings.

Twenty Shillings.

Committee

And so mutatis mutandis for a greater or less Sum.

And the said Committee are hereby directed and empowered to take care and make effectual Provision, so soon as may be, to Imprint the said Bills to the aforesaid Sum of nine thousand Pounds, and to Sign and deliver the said Sum to the Treasurer, taking his Receipt for the same; and the said Committee shall be under Oath for the faithful performance of the Trust by this Act reposed in them, and be rewarded for their Service as by this Court shall be determined.

And be it further enacted by the Authority aforesaid,

That the Treasurer be and hereby is empowered and ordered to issue forth

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and

l. 2706 18 s.
& 11 d. ap-
propriated
for the Gar-
rison's, &c.

l. 6127 1 s.
& 1 d. for
Grants, Mat-
ters where
there is no E-
stablishment,
&c.

and emit the said *Nine thousand pounds* for the necessary defence and support of the Government, and for the protection and preservation of the Inhabitants thereof, viz. the Sum of *two thousand seven hundred and six pounds eighteen shillings and eleven pence*, part of the aforesaid Sum of *nine thousand pounds*, to be applied to pay the Wages and other Sums now due, or that may be due, by virtue of the Establishment of *Castle William*, the Country's Sloop, *Richmond Fort*, *George's Truck-House*, *Frederick's Fort*, *Saco Truck-House*, *Brunswick Fort*, and the Block-House above *Northfield*; and *Six thousand one hundred twenty seven pounds one shilling and one penny* more, part thereof, shall be applied for the payment of Grants which shall be made by this Court, and for such other matters and things as this Court shall either by Law or Orders provide for the Payment of, out of the publick Treasury, and for the Discharge of other Debts owing from this Province to Persons who have served or shall serve them by Order of this Court, in such matters and things where there is no Establishment, nor any certain Sum assigned for such Service, and for Paper, Printing and Writing for this Court, the Expences of Committees of Council, or of the House, or of both Houses, Entertainments of Indians, and Presents made them by this Court, the Surgeons for *Castle William*, *Wooding Castle William*, the Treasurer's usual Disbursements for Forts, Truck-Houses, and the Sloop in the Country's Service.

AND whereas there are sometimes publick Entertainments, and from time to time contingent and unforeseen Charges that demand prompt Payment;

Be it further enacted by the Authority aforesaid,

l. 166 for
contingent
Charges.

That *One hundred and sixty six Pounds* the remaining part of the aforesaid *nine thousand Pounds*, be applied to defrey and pay such Entertainments and contingent Charges, and for no other Use whatsoever.

And be it further enacted by the Authority aforesaid,

Surplusage
to ly for fur-
ther Order.

That if there be a Surplusage in any Sum appropriated, such Surplusage shall lye in the Treasury for the further Order of this Court.

And be it further enacted by the Authority aforesaid,

Warrants to
express the
Appropriation.

That each and every Warrant for drawing Money out of the Treasury shall direct the Treasurer to take the same out of such Sums as are respectively appropriated for the Payment of such publick Debts as the Draughts are made to discharge: And the Treasurer is hereby directed and ordered to pay such Money out of such Appropriation as directed to, and no other, upon pain of refunding all such Sum or Sums as he shall otherwise pay; and to keep exact and distinct Accompts of all payments made out of such appropriated Sum: And that the Secretary to whom it belongs to keep the Muster-Rolls and Accompts of Charge, be directed to lay before the House all such Muster-Rolls and Accompts when desired, after payment thereof.

And be it further enacted by the Authority aforesaid,

Fund of the
l. 9000 in a
Tax appor-
tioned on
the Towns.

That as a Fund and Security for the drawing in and repayment of the said Bills into the publick Treasury, and to no other Use and Purpose whatsoever, there be and hereby is granted unto His most Excellent MAJESTY, a Tax of *Nine Thousand Pounds* to be levied on Polls and Estates both Real and Personal, and by no other way, within this Province: And that each Town and District be assessed and pay as such Town's and District's Proportion of the aforesaid *Nine Thousand Pounds*, the Sum affixed to such Towns respectively as follows; *That is to say;*

In

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In the County of Suffolk.

BOSTON, One thousand six hundred and twenty pounds.	1620	00	00
Roxbury, Seventy eight pounds nine shillings	78	09	00
Dorchester, Seventy seven pounds five shillings.	77	05	00
Hingham, Eighty five pounds four shillings.	85	04	00
Brantrey, Seventy three pounds ten shillings and nine pence.	73	10	09
Dedham, Fifty nine pounds eleven shillings and nine pence.	59	11	09
Medfield, Thirty eight pounds two shillings and nine pence.	38	02	09
Medway, Twenty seven pounds eight shillings and three pence	27	08	03
Weymouth, Fifty pounds two shillings	50	02	00
Milton, Thirty seven pounds twelve shillings and three pence.	37	12	03
Wrentham, Fifty six pounds eight shillings and nine pence	56	08	09
Stoughton, Forty four pounds fourteen shillings and nine pence	44	14	09
Needham, Thirty three pounds eight shillings and three pence	33	08	03
Bellingham, Sixteen pounds seven shillings	16	07	00
Walpole, Fifteen pounds eleven shillings and three pence	15	11	03
Hull, Fifteen pounds seventeen shillings and three pence	15	17	03
Brookline, Twenty nine pounds nine shillings and six pence	29	09	06

L. 2359 02 06

In the County of Essex.

Salem, Two hundred and fifty eight pounds fifteen shillings	258	15	00
Ipswich, Two hundred and fifty three pounds ten shillings	253	10	00
Newbury, Two hundred and twelve pounds twelve shillings and six pence.	212	12	06
Marblehead, One hundred and eighty pounds	180	00	00
Lynn, Eighty six pounds five shillings and nine pence	86	05	09
Andover, One hundred and four pounds thirteen shillings and three pence	104	13	03
Beverly, Seventy pounds six shillings and three pence	70	06	03
Rowley, Sixty eight pounds five shillings	68	05	00
Salisbury, Seventy nine pounds ten shillings	79	10	00
Harverhill, Eighty four pounds nine shillings and nine pence	84	09	09
Glocester, One hundred seventeen pounds fifteen shillings and nine pence	117	15	09
Topsfield, Thirty two pounds thirteen shillings and three pence	32	13	03
Boxford, Forty one pounds two shillings	41	02	00
Almesbury, Seventy pounds ten shillings	70	10	00
Bradford, Thirty eight pounds five shillings and nine pence	38	05	09
Wenham, Thirty pounds twelve shillings and nine pence	30	12	09
Manchester, Twenty five pounds thirteen shillings	25	13	00
Metbuen, Twenty seven pounds seven shillings and six pence	27	07	06
Middleton, Twenty three pounds eleven shillings	23	11	00
Rumford, Nine pounds.	9	00	00

L. 1814 18 06

In the County of Middlesex.

Cambridge, Fifty eight pounds sixteen shillings and nine pence	58	16	09
Charlestown, One hundred sixty nine pounds fifteen shillings and three pence	169	15	03
Watertown, Sixty nine pounds ten shillings and six pence	69	10	06
Concord, Eighty two pounds seven shillings	82	07	00
Weston, Thirty three pounds nine shillings and nine pence	33	09	09
Woburn, Sixty four pounds eight shillings and six pence	64	08	06
Reading, Sixty one pounds four shillings and nine pence.	61	04	09
Sudbury, Seventy two pounds fourteen shillings and three pence	72	14	03
Marlborough, Sixty pounds six shillings and nine pence	60	06	09
Lexington, Forty five pounds eleven shillings and three pence	45	11	03

Newton,

Supply of the Treasury.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Newton, Fifty five pounds five shillings and six pence	55	05	06
Malden, Fifty one pounds fifteen shillings	51	15	00
Chelmsford, Forty one pounds ten shillings and three pence	41	10	03
Billerica, Forty six pounds five shillings and six pence	46	05	06
Sherbourn, Twenty seven pounds one shilling and six pence	27	01	06
Holliston, Eighteen pounds eight shillings and three pence	18	08	03
Groton, Fifty two pounds three shillings and three pence	52	03	03
Framingham, Fifty three pounds two shillings and nine pence	53	02	09
Medford, Twenty eight pounds thirteen shillings	28	13	00
Stow, Twenty five pounds eleven shillings and six pence	25	11	06
Dunstable, Sixteen pounds five shillings and six pence	16	05	06
Dracut, Sixteen pounds ten shillings	16	10	00
Stoneham, Eighteen pounds sixteen shillings and six pence	18	16	06
Littleton, Twenty six pounds thirteen shillings and three pence	26	13	03
Hopkinton, Twenty two pounds ten shillings	22	10	00
Bedford, Twenty pounds two shillings and nine pence	20	02	09
Westford, Twenty seven pounds one shilling and six pence	27	01	06
Wilmington, Sixteen pounds ten shillings and nine pence	16	10	09
Nottingham, Eleven pounds eleven shillings and nine pence	11	11	09
Tewksbury, Fourteen pounds seventeen shillings and nine pence	14	17	09
Acton, Nine pounds sixteen shillings and six pence	9	16	06

l. 1318 17 06

In the County of Hampshire.

Springfield, Ninety eight pounds eight shillings and nine pence	98	08	09
Northampton, Sixty nine pounds eighteen shillings and nine pence	69	18	09
Hadley, Fifty pounds twelve shillings and six pence	50	12	06
Hatfield, Forty one pounds fourteen shillings	41	14	00
Westfield, Forty three pounds thirteen shillings and nine pence	43	13	09
Suffield, Fifty four pounds eighteen shillings and nine pence	54	18	09
Enfield, Thirty pounds six shillings	30	06	00
Deerfield, Twenty seven pounds eleven shillings and three pence	27	11	03
Sunderland, Fourteen pounds eight shillings and nine pence	14	08	09
Northfield, Twenty two pounds ten shillings	22	10	00
Brimfield, Twenty three pounds and six pence	23	00	06
Sommers, Fourteen pounds ten shillings and three pence	14	10	03

l. 491 13 03

In the County of Worcester.

Worcester, Twenty nine pounds five shillings	29	05	00
Lancaster, Sixty six pounds fifteen shillings	66	15	00
Mendon, Forty three pounds nineteen shillings and nine pence	43	19	09
Woodstock, Forty five pounds eighteen shillings	45	18	00
Brookfield, Thirty seven pounds seven shillings and nine pence	37	07	09
Southborough, Twenty five pounds eleven shillings and six pence	25	11	06
Leicester, Twenty one pounds sixteen shillings and six pence	21	16	06
Rutland, Thirteen pounds fifteen shillings and three pence	13	15	03
Lunenburg, Fourteen pounds twelve shillings and six pence	14	12	06
Westborough, Twenty five pounds fifteen shillings and three pence	25	15	03
Shrewsbury, Twenty five pounds six shillings and three pence	25	06	03
Oxford, Fifteen pounds fifteen shillings	15	15	00
Sutton, Thirty one pounds seven shillings and nine pence	31	07	09
Uxbridge, Twenty two pounds fourteen shillings and six pence	22	14	06
Harvard, Eighteen pounds three shillings	18	03	00
Grafton, Fifteen pounds nineteen shillings and six pence	15	19	06
Upton, Four pounds nineteen shillings and nine pence	4	19	09

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In

Supply of the Treasury.

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In the County of Plymouth.

Plymouth, Eighty seven pounds nine shillings	87	09	00
Plimpton, Thirty nine pounds six shillings	39	06	00
Scituate, One hundred and eleven pounds four shillings and six pence	111	04	06
Bridgewater, One hundred and one pounds six shillings and six pence	101	06	06
Marshfield, Sixty one pounds eighteen shillings and three pence	61	18	03
Pembroke, Thirty three pounds two shillings and three pence	33	02	03
Duxborough, Thirty three pounds two shillings and three pence	33	02	03
Middleborough, Sixty nine pounds fourteen shillings and three pence	69	14	03
Rochester, Sixty two pounds nineteen shillings and three pence	62	19	03
Abbingdon, Nineteen pounds thirteen shillings	19	13	00
Kingston, Twenty three pounds one shilling and three pence	23	01	03
Hamover, Twenty eight pounds three shillings and three pence	28	03	03
Hallifax, Nineteen pounds two shillings and six pence	19	02	06

£ 690 02 03

In the County of Barnstable.

Barnstable, One hundred and one pounds two shillings	101	02	00
Yarmouth, Sixty four pounds three shillings and three pence	64	03	03
Sandwich, Fifty eight pounds ten shillings	58	10	00
Eastham, Seventy two pounds nineteen shillings and six pence	72	19	06
Truro, Twenty four pounds six shillings	24	06	00
Harwich, Forty seven pounds ten shillings and three pence	47	10	03
Falmouth, Thirty seven pounds nine shillings and three pence	37	09	03
Chatham, Twenty eight pounds one shilling	28	01	00
Province-Town, Eleven pounds eleven shillings	11	11	00

£ 445 12 03

In the County of Bristol.

Bristol, Sixty six pounds sixteen shillings and six pence	66	16	06
Taunton, Eighty three pounds five shillings and nine pence	83	05	09
Norton, Forty seven pounds fifteen shillings and six pence	47	15	06
Easton, Fifteen pounds twelve shillings and nine pence	15	12	09
Dartmouth, One hundred thirty pounds and three pence	130	00	03
Dighton, Thirty pounds and nine pence	30	00	09
Rebobsb, One hundred and five pounds	105	00	00
Little Compton, Sixty five pounds thirteen shillings and three pence	65	13	03
Swansey, Seventy four pounds five shillings	74	05	00
Tiverton, Thirty six pounds	36	00	00
Freetown, Thirty pounds three shillings	30	03	00
Attleborough, Fifty four pounds fifteen shillings and nine pence	54	15	09
Barrington, Twenty five pounds ten shillings	25	10	00
Raynham, Seventeen pounds thirteen shillings and three pence	17	13	03
Berkeley, Eighteen pounds fourteen shillings and three pence	18	14	03

£ 801 06 00

In the County of York.

York, Seventy eight pounds twelve shillings and nine pence	78	12	09
Kittery, One hundred and one pounds eight shillings	101	08	00
Berwick, Fifty two pounds nineteen shillings	52	19	00
Wells, Forty four pounds eleven shillings	44	11	00
Falmouth, Fifty pounds fourteen shillings and nine pence	50	14	09
Biddeford, Nineteen pounds eighteen shillings and three pence	19	18	03

P p p p p

Arundel

Supply of the Treasury.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Arundel, Eighteen pounds eleven shillings and three pence	18	11	03
Scarborough, Thirty seven pounds five shillings and six pence	37	05	06
North-Yarmouth, Thirteen pounds four shillings	13	04	00
	<hr/>	<hr/>	<hr/>
	£	417	04 06

In the County of Dukes-County.

Edgartown, Thirty six pounds	36	00	00
Chilmark, Forty nine pounds three shillings and three pence	49	03	03
Tisbury, Twenty pounds eleven shillings and nine pence	20	11	09
	<hr/>	<hr/>	<hr/>
	£	105	15 00

In Nantucket County.

Sherborn, Ninety six pounds six shillings.	£	96	06 00
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SUFFOLK, Two thousand three hund. fifty nine pounds two shill. & six pence	2359	02	06
ESSEX, Eighteen hundred fourteen pounds eighteen shillings and six pence	1814	18	06
MIDDLESEX, Thirteen hundred & eighteen pounds seventeen shill. & six p.	1318	17	06
HAMPSHIRE, Four hundred ninety one pounds thirteen shill. & three pence	491	13	03
WORCESTER, Four hundred fifty nine pounds two shillings & three pence	459	02	03
PLYMOUTH, Six hundred ninety pounds two shillings & three pence	690	02	03
BRISTOL, Eight hundred and one pounds six shillings	801	06	00
BARNSTABLE, Four hundred forty five pounds twelve shill. & three pence	445	12	03
YORK, Four hundred seventeen pounds four shillings and six pence	417	04	06
DUKES-COUNTY, One hundred and five pounds fifteen shillings	105	15	00
NANTUCKET, Ninety six pounds six shillings	96	06	00
	<hr/>	<hr/>	<hr/>
	£	9000	00 00

And be it further enacted by the Authority aforesaid,

That the Treasurer do sometime in the Month of *June*, One thousand seven hundred and forty one, send out his Warrants directed to the Select-Men or Assessors of each Town or District within this Province, requiring them respectively to Assess the Sum hereby set upon such Town and District in manner following,

Rules for
Assessing the
Tax.

That is to say, To Assess all rateable Male Polls above the Age of Sixteen Years, at *Two shillings and three pence* per Poll (except the Governour, Lieutenant Governour and their Families, the President, Fellows and Students of *Harvard College*, settled Ministers and Grammar School-Masters, who are hereby exempted as well from being taxed for their Polls as for their Estates (being in their own hands, and under their actual management and improvement) and other Persons (if such there be) who through Age, Infirmary or extream Poverty, in the Judgment of the Assessors, are not capable to pay towards publick Charges, they may except their Polls and so much of their Estates as in their prudence they shall think fit and judge meet. And all Estates both Real and Personal lying within the Limits and Bounds of such Town or District, or next unto the same, not paying elsewhere, in whose hands, tenure, occupation or possession soever the same is or shall be found, and Income by Trade or Faculty, which any Person or Persons (except as before excepted) do or shall exercise in gaining by Money or other Estate, not particularly otherwise Assessed, or Commissions of profit in their Improvement according to their Understanding and Cunning, at *one penny* on the Pound, and to abate or multiply the same if need be, so as to make up the Sum hereby set and ordered for such Town or District to pay: And in making their Assessments to estimate Houses and Lands at Six Years Income of the yearly Rents in Money whereat the same may be reasonably set or let for in the place where they lie (saving all Contracts between Landlord and Tenant; and where no such Contract is, the Landlord to Reimburse one half of the Tax set upon such Houses and Lands) and to estimate Indian, Negro and Molatto Servants proportionably, as other Personal Estate, according to their sound Judgment and Discretion; as also to estimate every Ox of Four

Supply of the Treasury.

575

Four Years old and upwards at *Forty Shillings*, every Cow of Three Years old and upwards at *Thirty Shillings*, every Horse and Mare of Three Years old and upwards at *Forty Shillings*, every Swine of One Year old and upwards at *Eight Shillings*, every Goat of One Year old and upwards at *Three Shillings*, and Sheep within the Counties of *Duke's County* and *Nantucket* at the Age aforesaid at *Three Shillings*; likewise requiring the Assessors to make a fair List of the said Assessment, setting forth in distinct Columns against each particular Persons Name, how much he or she is Assessed at for Polls, and how much for Houses and Lands, and how much for Personal Estate and Income by Trade or Faculty; and the List or Lists so perfected and signed by them or the major part of them, to commit to the Collectors, Constable or Constables of such Town or District, and to return a Certificate of the Name or Names of such Collectors, Constable or Constables, together with the Sum Total to each of them respectively committed, unto himself, sometime before the last day of *October* then next following: And the Treasurer, for the time being, upon the Receipt of such Certificate, is hereby empowered and ordered to issue forth his Warrant to the Collectors, Constable or Constables of such Town or District, requiring him or them respectively to Collect the whole of each respective Sum Assessed on each particular Person, before the last day of *March* then next following, and of the Inhabitants of the Town of *Boston* to Collect their proportion sometime in the Month of *January* then next following, and to pay in their Collection and issue the Accompts of the whole, at or before the last Day of *May* then next following, which will be in the Year of our Lord *One thousand seven hundred and forty two*.

And be it further enacted by the Authority aforesaid,

That the Assessors of each Town and District respectively, in convenient time before their making the Assessment, shall give seasonable Warning to the Inhabitants in a Town Meeting, or by posting up Notifications in some place or places in such Town or District, or otherwise to Notify the Inhabitants to give or bring in to the Assessors true and perfect Lists of their Polls and Rateable Estates: And if any Person or Persons shall neglect or refuse so to do, or bring in a false List, it shall be lawful to and for the Assessors to Assess such Person or Persons according to their known Ability in such Town, in their sound Judgment and Discretion, their due proportion to this Tax as near as they can, agreeable to the Rules herein given, under the Penalty of *Twenty Shillings* for each Person that shall be convicted by legal Proof in the Judgment of the Assessors of bringing in a false List; the said Fines to be for the Use of the Poor of such Town or District where the Delinquent lives, to be levied by Warrant from the Assessors, directed to the Collector or Constables, in manner as is directed for gathering Town Assessments, and to be paid into the Town Treasurer or Select Men for the Use aforesaid: Saving to the Party agrieved, at the Judgment of the Assessors in setting forth such Fine, liberty of Appeal therefrom to the Court of General Sessions of the Peace within the County for relief, as in case of being over-rated. And if any Person or Persons shall not bring in a List of their Estate as aforesaid to the Assessors, he or they so neglecting shall not be admitted to make application to the Court of Sessions for any Abatement of the Assessment laid on him.

A N D if the Party be not Convicted of any falseness in the List by him presented of Polls, Rateable Estate or Income by any Trade or Faculty, which he doth or shall exercise in gaining by Money at Interest, or otherwise, or other Estate not particularly Assessed, such List shall be a Rule for such Persons proportion to the Tax which the Assessors may not exceed.

A N D forasmuch as oft times sundry Persons not belonging to this Province bring considerable Trade and Merchandize, and by reason that the Tax or Rate of the Town where they come to Trade or Traffick, is finished and delivered to the Constables or Collectors, and before the next Years Assessment are gone out of the Province, and so pay nothing towards the support of the Government, though in the time of their residing here they reaped considerable Gain by Trade, and had the protection of the Government;

Notifications to be given of the Assessment.

Persons to bring in a List

Penalty in case of a false List.

Preamble,

Be it further enacted by the Authority aforesaid,

That when any such Person or Persons shall come and reside in any Town of this Province, and bring any Merchandize and trade and deal therewith, the Assessors of such Town are hereby impowered to Rate and Assess all such Persons according to their Circumstances, pursuant to the Rules and Directions in this Act provided, tho' the former Rate may have been finished and the new one not perfected as aforesaid.

AND the Constables or Collectors are hereby enjoined to Levy and Collect all such Sums committed unto them, and pay the same into the Town Treasury.

Proviso.

Provided always, That the General Court at their Session in May, on *one thousand seven hundred and forty one*, may if they think fit by an Act then to be made, apportion the aforesaid Sum of *Nine thousand pounds* on the several Towns of this Province; any thing in this Act notwithstanding,

And be it further enacted by the Authority aforesaid,

Tax may be paid in other Species besides the Bills emitted.

That the Inhabitants of this Province shall have liberty, if they see fit, to pay the several Sums for which they may respectively be Assessed at as their proportion of the aforesaid Sum of *Nine thousand pounds*, in Bills of publick Credit, of the new Tenor, according to their several Denominations, or in the Bills of the old Tenor in proportion of three to one, or in coined Silver at *Six shillings and eight pence* per Ounce, Troy Weight, or in Gold Coin at the rate of *Four pounds eighteen shillings* per Ounce, or in Hemp or Flax, the Hemp to be received by the Treasurer at *Four pence* per pound, and Flax at *Six pence* per pound; which Hemp and Flax as soon as conveniently may be disposed of by the Treasurer to the best advantage, for so much as it will fetch in Bills of Credit, of either Tenor, or for Silver or Gold; and if any loss shall happen by the Sale of the aforesaid Species, or by any unforeseen accident, such deficiency shall be made good by a Tax of the Year next following, so as fully and effectually to call in the whole Sum of *Nine thousand pounds* in said Bills, hereby ordered to be emitted; and if there be a Surplusage it shall remain a Stock in the Treasury.

And be it hereby declared by the Authority aforesaid,

Impost, &c. to be paid in Silver & Gold

That although the Tax hereby granted, together with the Duty of Excise, &c. and the Taxes to be apportioned on the several Towns, and Collected in the Years *One thousand seven hundred and thirty seven, thirty eight, thirty nine, forty and forty one*, will be sufficient to sink the Funds and draw in all the Bills of publick Credit heretofore emitted, for the Payment of the publick Debts, and the Bills by this Act ordered to be emitted; yet for the greater Security of the Possessor of the Bills, and the better and more fully to enable the Treasurer to exchange all the Bills of the old and of the new Tenor, that may in the Year *One thousand seven hundred and forty two* happen to remain in the Hands of any private Persons, that the Duties of Impost and Tunnage of Shipping together with the Incomes of the Light-House, shall be paid in Silver at *Six shillings and eight pence* per Ounce, or in Gold of a proportionable value, from and after the Session of the General Court in May next, and until the end of their Session which will be in May, *One thousand seven hundred and forty two*, according to an Act or Acts to be hereafter made for that purpose.

And be it further enacted by the Authority aforesaid,

Bills outstanding in Dec. 1742, to be paid off in Silver & Gold

That if it shall happen that any of the Bills of the new Tenor and Form by this Act projected, to be emitted, shall be out standing and not paid in for Taxes, &c. unto the Constables or Collectors of the publick Taxes, or to the Treasurer or other Receivers of publick Duties, that whosoever shall have any such Bills in his hands or possession, may at any time after the last Day of *December*, which will be in the Year of our Lord *One thousand seven hundred and forty two*, bring them to the Treasurer and receive in exchange for every *six shillings and eight pence* of said Bills, one Ounce of Silver, or the like value in Gold, and proportionably for a greater or less Sum; and the Treasurer is hereby ordered to exchange them accordingly.

Tearing & defacing the Bills of Credit prevented. 577

CHAP. VII

S. 1763

An Act to prevent the tearing and defacing the Bills of Credit on this Province and the neighbouring Governments, as also the passing of the same after they are torn and defaced.

WHEREAS by the tearing the Bills of Credit on this Province, and on the Neighbouring Governments into Halves and Quarters, and then passing the same so torn and defaced, many Frauds have been committed by taking and joining Bills of a lower Denomination to those of a higher Denomination, and so uttering and passing the same; and likewise Parts of False and Counterfeit Bills in Parts separate, or joined to Parts of true Bills, and thereby many of His Majesty's good Subjects of this Province have suffered considerable loss and damage, and are likely to suffer more;

Preamble

For Prevention whereof

Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,

That whosoever shall after the Publication of this Act presume to Tare or Deface any of the Bills of Credit on this Province, or the Neighbouring Governments, viz. (New-Hampshire, Connecticut, or Rhode-Island) or to utter and pass, after the first Day of June next, any such Bills in Quarters or Halves, every such Person being Convicted thereof before any one of His Majesty's Justices of the Peace in the County where the Offence shall be Committed, or the Person offending lives, shall forfeit the Sum of Forty Shillings, to be applied the one half to the Use of the Town where the Conviction shall be made; the other half to the Prosecutor: And in Case the Offender shall be unable to pay the Fine and Costs of Prosecution, then he or she shall suffer seven Days Imprisonment.

Parts of Bills of Credit forbidden to pass.

And the Treasurer of the Province shall not after the first Day of July next, receive as Payment for any publick Debts or otherwise, into the Treasury Three Quarters, Halves or Quarters of Bills of any Denomination, unless the Person offering the part or parts of such Bills, make Oath before him (who is impowered to administer the same) in the words following,

Treasurer forbidden to receive Parts of Bills after June.

YOU A. B. do Swear, That you did not receive this Quarter of a Twenty Shilling Bill by it self, but received the whole Twenty Shilling Bill, and that it was torn by Accident since it came into your Possession. So help you God. Or has made the same Oath, mutatis mutandis, according to the parts and value of the Bills torn, before one of His Majesty's Justices of the Peace, who shall certify the same to the Province Treasurer under his hand.

Unless Oath be made, &c.

Be it further enacted by the Authority aforesaid,

That all the Bills of Credit on this Province that are torn in Halves and Quarters, shall be brought into the Treasury forthwith, to be exchanged for the value of the parts of said Bills so soon as the Treasurer shall be supplied with a sufficient number of new Bills for exchanging the same.

Parts of Bills to be exchanged.

AND for the ends aforesaid,

Be it Enacted by the Authority aforesaid, That this Act shall be read in the Anniversary Meetings of the several Towns of this Province in March next.

This Act to be read in Town-Meeting in March.

CHAP. VIII.

An Act for the regular Appointment of Petit Jurors.

Preamble.

WHEREAS the Method of chusing Petit Jurors for the several Courts within this Province, hath been found upon many accounts very inconvenient, and the course of Justice thereby oftentimes obstructed;

For Prevention whereof,

Be it Enacted by His Excellency the Governour, Council and Representatives, in General Court Assembled, and by the Authority of the same,

Jury-Men to be chosen by List.

List of Persons capable of serving as Jurors to be taken.

Tickets of such Persons Names to be put into a Box.

That the Select-Men of each Town within this Province to whom *Venires* shall be sent for Petit Jurors, either for the Inferiour Court of Common Pleas, Court of General Sessions of the Peace, or Superiour Court of Judicature, Court of Assize and General Goal Delivery, within the respective Counties of this Province, shall sometime in the Month of *April* next, take a List of the Names of all the Inhabitants of their respective Towns, liable by Law, and qualified to serve on the Petit Jury, and the said List shall lay before their respective Towns, at a Meeting in *May* next; and shall make out distinct Tickets, or Pieces of Paper, with one of the Persons Name contained in such List, fairly written on each Ticket, and such Tickets shall be kept by the Town Clerk, in a convenient Box under Lock and Key, and the Select-Men of the several Towns aforesaid, shall Annually within the Month of *February*, put into the same Box the Names of all Persons qualified as aforesaid, within their respective Towns, to be approved of by the Town at their Annual Meeting in *March* yearly.

And be it further enacted by the Authority aforesaid,

And drawn upon *Venires*.

That when the *Venire Facias* shall issue forth from either of the Courts aforesaid, for the appointment of Petit-Jurors, the Constable receiving such *Venire*, having notified the Select-Men and Town Clerk, the major part of the said Select-Men and Town Clerk shall forthwith meet and then agree upon a time when to draw, the Constable giving seasonable notice thereof by a Notification posted at the usual place of such Towns Meeting for the Choice of Jury Men, that so the Inhabitants of the Town may be present, if they see cause, at the time of Drawing: And then and there the Town Clerk, in the presence of the Select-Men, or the major part of them, and such of the Inhabitants as are present, and in case of the absence of the Town Clerk, one of the Select-Men, shall draw forth out of the Box, as many Votes or Tickets as the *Venire* commanding the return of Petit Jurors doth express; and the Constable having Notified and Summoned the Persons whose Names were drawn out as aforesaid, shall make a return thereof to the Court issuing the *Venires*: Which Persons so returned shall be obliged to attend the Courts, under the Penalty of the Law for Jurors non-appearance. And the Town Clerk shall carefully Register the Persons whose Names are drawn out, from time to time, which shall not be put into the said Box again, until after the expiration of Two Years, from the time of Registering them, as aforesaid.

Register to be kept of the Names drawn.

Disposition of the Fines for not serving.

And be it further enacted by the Authority aforesaid, That all Fines arising by the non-appearance of any Jurors, shall be disposed of, and distributed to and among the Jurors that shall serve at such Court.

And be it further enacted by the Authority aforesaid, That if the Names of any Persons are drawn, who are chosen for Grand-Jurors,

Appointment of Petit-Jurors. Regulating Porters. 579

Jurors, or necessarily prevented serving by Sickneſs, or Abſence, or are not liable to ſerve, other Tickets ſhall be drawn, and ſuch Names be returned again into the Box.

Grand Jurors
ſc. exempted
from ſerving.

AND to render this All more effectual for the good ends propoſed by it;

Be it Enacted by the Authority aforeſaid, That the Juſtices of the reſpective Courts aforeſaid, are hereby directed, upon Motion from either Party in the Cauſe to be tried, to put any Juror to Answer upon Oath (whether returned as aforeſaid or as a Talis Man) whether he doth expect to gain or loſe by the Iſſue of the Cauſe now depending, and whether he ever has directly or indirectly given his Opinion; been of Counſel to either Party, or is byaſſed either way in the Cauſe? And if ſuch Juror reſuſe to Answer upon Oath as aforeſaid, then he ſhall be diſmiſſed from the Trial of ſaid Cauſe, and another ſhall be appointed in his ſtead.

Jurors to An-
ſwer upon
Oath, in caſe
of ſuſpicion.

And be it further Enacted, That the ſeveral Clerks of the Courts aforeſaid, in iſſuing forth their Warrants for the choiſe of Jury Men, ſhall conform to the Direction in this Act.

THIS Act to continue and be in Force for the ſpace of Two Years from the Publication thereof, and from thence to the End of the next Seſſion of the General Court, and no longer.

Limitation.

CHAP. IX.

An Act for the better Regulating Porters employed within the Town of Boſton.

WHEREAS the Trade and Buſineſs managed in the Town of Boſton between the Inhabitants thereof and others Trafficking there, occasions many Perſons to reſort to and attend about the Wharfs, Docks and other Parts of the Town, to convey and carry Goods, Wares and Merchandizes from Place to Place, ſome of whom are not ſo well known as ſuch an Employment requires, others of no good Character, yet oft times have Goods of a conſiderable Value put into their Cuſtody for conveyance as aforeſaid, and ſome taking upon them the Buſineſs of Porters, impoſe upon thoſe making uſe of them, more eſpecially Strangers, by exacting exorbitant Wages for their Labour, or reſuſing Buſineſs tho' not before employed, if they cannot have their unreaſonable Demands;

Preamble.

Therefore to avoid ſuch Inconveniencies for the future:

Be it enacted by His Excellency the Governour, Council and Representatives, in General Court Aſſembled, and by the Authority of the ſame,

Select-Men
in Boſton to
appoint Por-
ters.

That the Select-Men of the Town of Boſton for the time being, ſhall have full Power and Authority to order what Number, and who ſhall be employed and take upon them the Buſineſs of carrying Goods, Wares and Merchandizes for Pay or Wages, as common Porters, within the ſaid Town, and what Rate or Price ſuch Perſons ſhall aſk, receive and take for their Labour Service and Attendance, according to the diſtance of Place, or other Circumſtances, the Select-Men ſhall order and aſcertain; all which Perſons ſo admitted by the Select-Men ſhall at all times when in the Service, or doing the Buſineſs of Porters, wear a Badge or Ticket with the Figure of a Pine Tree marked thereon, on ſome part of his upper Garment, or Girdle, which Badge or Ticket ſhall be Numbred, and a fair Entry of each Porters Ticket made in the Select-Mens Book, as alſo the Wages they are to aſk, and receive, within Ten Days after the Approbation of the Select-Men as aforeſaid.

Who are to
wear Badges
number'd.

Select-Men
to State their
Wages.

Be

580 Porters. Service of Original Summons.

Be it further enacted by the Authority aforesaid, That whosoever shall presume to take up the Business and Employ of a common Porter, and convey or carry Goods and Merchandize from Place to Place within the Town of *Boston*, for Hire or Wages, without being admitted by the Select-Men as aforesaid, shall forfeit and pay the Sum of *Twenty Shillings* for every time he shall be convicted thereof, before any one of His Majesty's Justices of the Peace within the County of *Suffolk* at *Boston* aforesaid, the one half of which Fine or Forfeiture shall be disposed of to and for the Use of the Poor of the Town of *Boston*, the other half to him or them that shall inform and Sue for the same.

And be it further Enacted, That whosoever being admitted as a Porter as aforesaid, shall ask, take and receive any more than what the Select-Men shall allow for any Work or Service, shall for every such Exaction Forfeit and Pay the Sum of *Ten Shillings*, to be recovered and disposed of as by this Act is already directed; and if any Person admitted and approved of as aforesaid as a common Porter, shall officiate or concern himself in the Business of Transporting Goods or Merchandize not having his Badge or Ticket, shall for every such Breach of this Act Forfeit and Pay the Sum of *Five Shillings*, to be recovered and disposed of as aforesaid.

Be it further Enacted, That the Select-Men shall require and take Bond of each one of the Porters admitted as aforesaid with sufficient Security in a Sum not exceeding *Fifty Pounds*, for their orderly and faithful acting in the Business, more especially their safe conveying and delivering such Goods as shall be committed to them.

AND that upon Complaint made to the Select-Men that any whom they may have admitted as aforesaid, do not behave and conduct themselves orderly, peaceably and quietly towards their Employers, it being made to appear, the Party accused being seasonably Notified thereof, such Person may be removed, and other meet and orderly Persons admitted in his room. *Provided*, This Act to be in force and so continue for the space of *Five Years* from the Publication thereof, and no longer.

CHAP. X.

An Act for making more effectual Provision for the Service of Original Summons upon mean Process.

WHEREAS in and by an Act made and passed in the thirteenth Year of the Reign of His Majesty King WILLIAM the Third, it is provided, "That original Process may be by Summons, Capias or Attachment", and some Disputes have arisen with respect to the manner of serving such Summons, which hath been attended with many inconveniences;

For Remedy whereof;

Be it Enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,

That the Service of an Original Summons upon any Person, either in his private Capacity, or in the Capacity of Executor or Administrator, or any other Qualification whatsoever, shall be as good and valid in Law, to all intents and purposes whatsoever, by an Attested Copy of such Summons being left by the Officer at the House or usual place of abode of the Defendant, at least Fourteen Days before the sitting of the Court, as if he had been served therewith in his own Person.

Provided, That if the Defendant against whom such Suit is brought, be out of the Province at the time of such Service, he shall have the same Benefit as to a Continuance of the Action, as is by Law provided in Suits where Goods and other Estate is Attached.

An Act for the Relief of Poor Prisoners for Debt.

BE it enacted by His Excellency the Governour, Council & Representatives in General Court assembled, and by the Authority of the same,

That when any Person during the continuance of this Act shall stand committed for Debt or Damages upon Execution, and shall complain that he or she hath not Estate sufficient to support him or herself in Prison, the Goaler or Keeper of such Prison shall thereupon, at the Request of the Prisoner, be obliged to apply to two of His Majesty's Justices of the Peace for the County, *Quorum Unis*, who shall thereupon make out a Notification under their Hands and Seals, to be served on the Creditor or Creditors if he, she or they live within this Province, his or her Executor, Administrator, Agent or Attorney by reading the same to them, or by leaving an Attested Copy thereof at the Place of his, her or their usual abode, or if out of the Province, then to be left at the Place of the usual abode of such Creditor or Creditor's Agent or Attorney, if any such they have, at whose Suit such Prisoner is in Custody, thereby signifying to him, her or them, such Prisoner's desire of taking the Priviledge and Benefit allowed in and by this Act, of the Time and Place appointed for the intended Caption of his or her Oath; which Notification shall be served at least Forty Days before the Caption, and so certified to said Justices, that so he, she or they may be present if they see cause; And said Justices are hereby Impowered to Administer to such Debtor, if they shall think proper so to do, after they have fully examined and heard the Parties, the following Oath, *Viz.*

Proceeding upon the Prisoner's desire of a Release

I A. B. Do upon my Oath, solemnly Profess and Declare before Almighty G O D, That I have not, nor had, at the time of the commencing of the Suit upon me, any Estate, Real or Personal, in Possession, Reversion or Remainder, sufficient to Support my self in Prison, or to pay Prison Charges; and that I have not, directly or indirectly, Sold, Leased, or otherwise Conveyed or Disposed of to, or intrusted any Person or Persons whomsoever with, all or any part of the Estate Real or Personal, whereof I have been the lawful Owner or Possessor, with any intent or design to secure the same, or to receive or expect any Profit or Advantage therefrom, or done, caused or suffered to be done any thing else whatsoever, whereby any of my Creditors may be defrauded.

Prisoner's Oath.

WHICH Oath being taken by such Prisoner, and Certificate thereof made under the Hands and Seals of the Justices administering the same, to the Goaler or Keeper, he shall thereupon set such Prisoner at Liberty; unless such Creditor or Creditors, his or her Executors or Administrators, Agent or Attorney, shall give Security to the Goaler or Keeper for the Payment of Five Shillings per Week, to be applied for and towards the Support of such Prisoner, while he, she or they are detained in Prison. And it shall and may be lawful for such Goaler or Keeper to detain and keep in close Custody such Prisoner so long as said Sum of Five Shillings per Week, for and towards his or her Support, shall be paid: But upon Failure thereof, such Prisoner shall be set at Liberty as aforesaid.

Prisoner to be discharged or maintained by the Creditor in Case.

And be it further enacted by the Authority aforesaid,

That when any Person standing Committed upon Execution for any Debt or Damage, and hath attended the Directions of this Act, he shall only be discharged from such Execution or Executions wherein the Creditor or Creditors, his or their Agent or Attorney, were duly Notified, in such manner as this Act directs, and not from any other Execution for any Debt or Damage upon which also he may or shall then stand Committed, unless he take the Oath again, and attend the Direction of this Act.

Poor Prisoner taking the Oath from what Execution to be discharged

R r r r r

And

Persons committed on a new Execution to receive no further Benefit of a former Discharge.

And be it further enacted by the Authority aforesaid, That if any Person after having received the Benefit of this Act with respect to his Discharge as aforesaid, shall be again committed to Prison on any new Execution that shall or may be served upon him; he shall receive no further Benefit hereby but be excluded therefrom; any thing in this Act to the contrary notwithstanding.

Penalty for a false Oath.

And be it further enacted by the Authority aforesaid, That in Case any such Prisoner shall be Convicted of having Sold, Leased or otherwise Conveyed or Disposed of, or intrusted his or her Estate or any part thereof, directly or indirectly, contrary to the foregoing Oath, such Prisoner shall not only be liable to the Pains and Penalties mentioned in the Law for Punishing of Willful Perjury, but shall receive no Benefit from the said Oath; any thing in this Act notwithstanding.

Prisoner not taking the Oath to be remanded back to Goal.

And be it further enacted by the Authority aforesaid, That if such Prisoner at the time of the intended Caption shall not take the Oath aforesaid, or be not admitted thereto by said Justices, then he or she shall be remanded back to Goal, and shall not be intitled to the Benefit in and by this Act provided.

The Prisoners Estate liable to Execution notwithstanding his Discharge upon Oath.

And be it further enacted by the Authority aforesaid, That notwithstanding the Discharge of the Person of such Prisoner upon taking the Oath as aforesaid, all and every Judgment had and given against him or her, shall be and remain good and effectual in Law to all intents and purposes, against the Lands, Tenements, Goods and Chattels that may then or at any time afterwards belong to such Prisoner discharged as aforesaid: And it shall and may be lawful to and for such Creditor of such Prisoner discharged as aforesaid, his Executors, Administrators, Agent or Attorney, to take out any new Execution to which shall be added by the Clerk of the Court from whence the Execution issues, the Charge (if any there be) that the Creditors have been at for the Prisoner's Support at Five Shillings as aforesaid, such Creditor or Creditors first making Oath before the Clerk (who is impowered to administer the same) of the Truth of what he she or they shall charge to said Prisoner for his or her Support, against the Lands, Tenements, Hereditaments, Goods and Chattels of such Prisoner, his or her Wearing Apparel, Bedding for him and his or her Family, and Tools necessary for his or her Trade and Occupation, only excepted, for the Satisfaction of his or their Debt in such sort and manner as he might have done if the Person of such Prisoner had never been taken in Execution.

Charges for supporting the Prisoner to be added.

Apparel Bedding & Tools excepted.

Remedy against a false Charge for Support.

And be it further enacted by the Authority aforesaid, That if the Debtor shall be aggrieved with the Charge added by the Clerk to said new Execution, such Debtor shall and may sue for and recover of the Creditor or Creditors before any Court proper to try the same, four-fold the Sum which hath been levied upon him or her the said Prisoner, and shall be made to appear to such Court to be unjustly or falsely charged by the Creditor or Creditors for his or her Support as aforesaid.

Remedy against the Goalers refusing to discharge the Prisoner.

Provided, That if the Goaler or Keeper of any Prison shall refuse or delay to Discharge and set at Liberty any Prisoner, contrary to the true intent and meaning of this Act, every such Goaler or Keeper shall forfeit and pay to such Prisoner detained contrary to this Act, the Sum for which he or she stands committed to be recovered by Action of Debt in any Court of Record proper to try the same.

Proviso.

Provided also, That this Act shall not extend to any Person or Persons in Execution for any Fine on him, her or them imposed.

Limitation.

THIS Act to continue and be in Force for the Space of One Year from the Publication thereof, and no longer.

High-Ways.

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CHAP. XII.

An Act in addition to an Act intituled, An Act for High-Ways.

1 G. II. ca. 4.

WHEREAS in and by an Act intituled An Act in Addition to An Act intituled, An Act for High Ways, Made and Passed in the First Year of the Reign of His present Majesty, It is Enacted, "That no private Way or Ways layed out by the Select-Men of a Town shall be esteemed private Ways for such Town nor committed to Record, unless such Town at their Annual Meeting in March, shall by a major Vote allow and approve thereof;" But no provision is made for applying for Remedy to the Justices of the General Sessions of the Peace when any Town unreasonably refuses to allow and approve of any Private Way laid out as aforesaid, and to put the same on Record; which may be very detrimental to particular Persons desiring the same;

Preamble.

For Remedy whereof;

Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,

That when any Town shall unreasonably refuse or delay to allow and approve of any private Way laid out by the Select-Men, and to put the same on Record, that then and in such Cases any Person or Persons who think themselves agrieved hereat, may have liberty to make their Application to the Court of General Sessions of the Peace held for that County in which the Way lies (provided it be within Twelve Months from the refusal or delay of said Town) who are hereby Authorized and Impowered by a Committee of disinterested Persons whom they shall appoint, to lay out, or cause to be laid out, such particular or private Ways within or for such Town as may be Petitioned for as aforesaid, so as no Damage be done to any particular Person in his Land or Propriety, without due Recompence to be made, either by the Town if it be of general Benefit, or otherwise by such of the Inhabitants as have the Benefit thereof and desire the same, as shall be adjudged and ordered by the Justices in their Sessions as aforesaid; and said Court are hereby Authorized and Impowered to enquire into the Damages by a Jury, to be Summoned for that purpose by the Sheriff or Coroner, as the Case may require, and shall make up Judgment with respect to the Damages according to Verdict of that Jury, which Judgment shall be final.

Persons agrieved by any Towns refusing to allow a private Way, may apply to the General Sessions for Relief.

CHAP. XIII.

An Act for securing the seasonable Payment of Town and Precinct Rates or Assessments.

WHEREAS the Method directed to by Law and heretofore practiced by the Receivers or Treasurers of Towns and Precincts, hath been to Sue for and Recover Town and Precinct Rates and Assessments, or the Arrears thereof, by Means of Process, against the Constables or Collectors, to whom they were committed to be gathered, who neglected their Duty therein, whereby the Payment of such Rates or Assessments into the respective Town or Precinct Treasuries, hath been greatly delayed to the grievous Damage of many Places;

Preamble.

To prevent which for the future;

Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,

That from and after the Publication of this Act, if the Constable or Collector of any Town or Precinct within this Province (to whom any Town or Precinct Rates or Assessments have been committed to Collect) shall be remiss in his Duty by Law required, and neglect to Collect such Rates and Assessments

Warrant of Distress to be issued against defective Collectors.

584 Rates or Assessments. Town-Inhabitants.

Assessments as have been committed to him to Collect, and to pay in the same to the Treasurer or Receiver of such Town or Precinct, by the time fixed in the Warrant to him directed, or within one Month next after the expiration thereof, such Treasurer or Receiver is hereby impowered by Warrant under his Hand and Seal, directed to the Sheriff of the County or his Deputy (who are hereby respectively directed and impowered to execute the same) to cause such Sum or Sums of Money as such Constable or Collector hath not paid in, to be levied by Distress and Sale of his Estate Real or Personal, returning the overplus (if any there be) and for want of such Estate, to take the Body of such Constable or Collector, and to Imprison him until he pay the same.

Limitation.

Provided, This Act shall continue and be in force for the space of Seven Years from and after the publication thereof, and from thence to the end of the then next Session of the General Court, and no longer.

CHAP. XIV.

An Act in further addition to an Act directing the admission of Town Inhabitants, made and passed in the Thirteenth Year of the Reign of King William the Third.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,

No Strangers to be entertain'd in a Town above Twenty Days without giving Notice to the Select-Men, &c.

That the Inhabitants of the several Towns within this Province, who shall receive admit and entertain any Person or Persons not being Inhabitants of such Towns, either as Inmates, Boarders or Tenants in the House where such Person dwells, or in any other House of his whatsoever, within this Province, or under any other Qualifications, for more than the space of *Twenty Days*, and shall not in Writing under their Hands, give an Account to one or more of the Select-Men, or the Town Clerk of such Town, of all such Person or Persons so received, admitted or entertained by them, with the Time they first received them, and the Place from whence they last came, together with their Circumstances as far as they can, shall for every such Neglect, forfeit and pay the Sum of *Forty Shillings*, to be recovered by Bill, Plaint or Information, before any Justice of the Peace, or in any of His Majesty's Courts of Record within this Province; the one half of the said Fine to be employed to and for the Use of the Poor of the Town where such Offence shall be committed, the other half to him or them that shall inform and Sue for the same; and they shall be liable to answer all Charges that may arise in the said Town, by receiving and entertaining such Person or Persons as aforesaid, to be recovered by the Town Treasurer, or Select-Men where no Town Treasurer is appointed, who are hereby respectively impowered to bring an Action accordingly.

Penalty.

Charge of warning Persons how to be paid.

And be it further enacted by the Authority aforesaid, That all Cost and Charges arising by warning any such Persons as are not Inhabitants out of Town, entring the Caution, or carrying them out of Town, shall be defrayed and paid by those who received and entertained such Person or Persons in their Houses as aforesaid, and shall be recovered by the Town Treasurer, or Select-Men, where no Treasurer is appointed, who are hereby respectively impowered to bring an Action accordingly.

Accomp't of Charge to be exhibited by the Town-Treasurer or Select-Men.

AND the Town Treasurer or Select-Men of the respective Towns in this Province, are hereby directed and ordered, before they bring their Action, to exhibit to such who receive and entertain any Person or Persons in their Houses as aforesaid, an Account of the Charge arising thereby; and upon refusing to pay the same within five Days, they shall be liable to pay said Charge, and be deprived of any Benefit by their Notification, tho' given within the twenty Days as aforesaid.

CHAP. XV.

An Act to prevent Gaming for Money or other Gain.

WHEREAS all lawful Games and Exercises should not be otherwise used than as Innocent and moderate Recreations, and not as Trades or Callings, to gain a Living or make unlawful Advantage thereby;

Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,

That from and after the Twenty fifth Day of March, which will be in the Year of our Lord One thousand seven hundred and thirty seven, all Notes, Bills, Bonds, Judgments, Mortgages or other Securities or Conveyances whatsoever, given, granted, drawn or entred into, or executed by any Person or Persons whatsoever, where the whole or any part of the Consideration of such Conveyances or Securities shall be for any Money or other valuable thing whatsoever, won by Gaming or playing at Cards, Dice, Tables, Tennis, Bowles, or other Game or Games whatsoever, or by Betting on the Side or Hands of such as do Game at any of the Games aforesaid, or for the Reimbursing or Repaying any Money knowingly lent or advanced for such Gaming or Betting as aforesaid, or lent or advanced at the time and place of such Play, to any Person or Persons so Gaming or Betting as aforesaid; or that shall during such Play, so Play or Bett, shall be utterly void, frustrate and of none Effect, to all intents and purposes whatsoever: And that where such Mortgages, Securities or other Conveyances shall be of Lands, Tenements or Hereditaments, or shall be such as encumber or affect the same, such Mortgages, Securities or other Conveyances shall enure and be to and for the sole Use and Benefit of, and shall devolve upon, such Person or Persons, as should or might have or be intitled to such Lands, Tenements or Hereditaments, in case the said Granter or Granters thereof, or the Person or Persons so encumbering the same had been naturally Dead, and as if such Mortgages, Securities or other Conveyances had been made to such Person or Persons so to be intitled after the decease of the Person or Persons so encumbering the same; and that all Grants or Conveyances to be made for the preventing of such Lands, Tenements or Hereditaments from coming to or devolving upon such Person or Persons hereby intended to enjoy the same as aforesaid, shall be deemed fraudulent and void and of none Effect to all intents and purposes whatsoever.

Preamble.

Notes, Mortgages, &c. for Money won by Gaming to be void.

Lands & Tenements mortgaged or convey'd for Money won to enure to the next Heir.

Grants made to prevent their enuring to be deem'd fraudulent.

And be it further enacted by the Authority aforesaid,

That from and after the said Twenty-fifth Day of March any Person or Persons whatsoever, who shall, at any time or sitting, by Playing at Cards, Dice, Tables or other Game or Games whatsoever, or by Betting on the Sides or Hands of such as do Play at any Game or Games as aforesaid, lose to any one or more Person or Persons so Playing or Betting, any Sum or Sums of Money, or any other valuable Thing or Things whatsoever, and shall pay or deliver the same or any part thereof, the Person or Persons so losing and paying or delivering the same, shall be at liberty within Three Months then next to Sue for and Recover the Money or Goods so lost and paid or delivered, or any part thereof, from the respective Winner or Winners thereof, with Costs of Suit by Action of Debt founded on this Act, to be prosecuted in any of His Majesty's Courts of Record, in which Actions or Suits, no Esloign, Protection, Wager of Law, or more than one Imparance, shall be allowed; in which Actions it shall be sufficient for the Plaintiff to alledge, that the Defendant or Defendants are indebted to the Plaintiff or received to the Plaintiff's Use, the Moneys so lost and paid, or converted the Goods won of the Plaintiff's to the Defendant's Use, whereby the Plaintiff's Action

Losers at Gaming impowered to Sue for what was lost.

S s s s s

accrued

accrued to him according to the Form of this Act, without setting forth the special matter; and in case the Person or Persons who shall lose such Money or other thing as aforesaid, shall not within the time aforesaid, really and bona fide, and without Coven or Collusion, sue, and with effect prosecute, for the Money or other Thing so by him or them lost and paid, or delivered as aforesaid; it shall and may be lawful to and for any Person or Persons by any such Action or Suit as aforesaid, to Sue for and Recover the same and treble the Value thereof, with Costs of Suits against such Winner or Winners as aforesaid; the one Moiety thereof to the use of the Person or Persons that will Sue for the same, and the other Moiety to the use of the Poor of the Town where the Offence shall be committed.

If the Loser neglect to sue, other Persons may, & recover treble the Value lost.

One half to be for the Use of the Poor of the Town.

AND for the better discovery of the Money or other Thing so won, and to be Sued for and Recovered as aforesaid,

It is hereby further enacted by the Authority aforesaid, That all and every the Person or Persons who by virtue of this present Act, shall and may be liable to be Sued for the same, shall be obliged and compellable to answer upon Oath such Bill or Bills as shall be preferred against him or them in any of the Courts of Record within this Province, for discovering the Sum and Sums of Money or other Thing so won at Play as aforesaid.

Winners at Gaming liable to be compelled by Oath to discover the Sums won.

Provided always, and be it nevertheless enacted by the Authority aforesaid, That upon the Discovery and Repayment of the Money or other Thing to be so discovered and repayed as aforesaid, the Person or Persons who shall so discover and repay the same as aforesaid, shall be Acquitted, Indemnified and Discharged from any other or further Punishment, Forfeiture or Penalty, which he or they may have incurred by the Playing for or Winning such Money or other Thing so discovered and repaid as aforesaid: Any thing in this present Act contained to the contrary thereof in any wise notwithstanding.

Winners at Gaming upon Discovery & Repayment to be indemnified from other Prosecution.

THIS Act to continue and be in force for the space of Five Years from the Publication thereof and no longer.

Limitation.

CHAP. XVI

An Act for the more effectual preventing and punishing of Theft.

WHEREAS the Punishments already provided by Law against stealing have proved ineffectual, and even those that have suffered the Penalty in such Cases, have been so bold and hardy as to perpetrate their Wickedness a second and even a third Time;

Preamble.

For the more effectual preventing whereof;

Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,

Second Theft to be punished by sitting on the Gallows & whipping.

That from and after the first Day of May next, if any Person who stands Convict upon Record, either before a Justice of the Peace, or in any Court of General Sessions of the Peace within this Province for Stealing, shall after that presume to steal any Money, Goods or Chattels, to the Value of Forty Shillings lawful Money, and be thereof Convict by due Course of Law, before

Theft. Service of Executions.

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before the Court of Assize and General Goal Delivery, holden within any of the Counties of this Province, he or they for such Offence, shall, besides paying treble the Value of such Money, Goods or Chattels so stolen to the Party injured, together with Costs and Charges of Prosecution, be set upon the Gallows for the space of one Hour, with a Rope about his Neck, and one End thereof cast over the Gallows, and be severely whipt not exceeding Thirty Stripes.

And be it further enacted by the Authority aforesaid,

That if any Person convicted of a second Theft, in Manner as aforesaid, shall presume a third Time to steal any Money, Goods or Chattels to the Value of Three Pounds lawful Money, and be thereof convicted by due Course of Law, he shall be adjudged to suffer the Pains of Death, without Benefit of Clergy.

Third Theft to be punish'd with Death.

CHAP. XVII.

An Act for the better Regulating of the Service of Executions, as well by Sheriffs as Coroners, more especially in the remote Counties of the Province.

WHEREAS the Superiour Court of Judicature, Court of Assize and General Goal Delivery, sits but once in the Year, in many of the Counties of this Province, so that Executions upon Judgments obtained in those Counties (at the Superiour Court) are Returnable but once a Year, whereby the Creditor is or may be kept for a long time out of his just Debt, while in the other Counties of the Province the Writs are Returnable every Six Months;

Preamble.

Be it therefore enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the Authority of the same,

That from and after the Publication of this Act, the Clerks of the Superiour Court of Judicature, Court of Assize and General Goal Delivery, are hereby Authorized and Directed to make all Executions on Judgments obtained at the said Courts, in such Counties where the said Court sits but once in the Year, returnable into the Clerks Office, at the end of Six Months from the Date thereof; and the Clerks of said Courts are further Authorized upon the Return of such Execution, to renew or make out an alias Execution for the Whole, or the Remainder, as the Case may be, returnable at the next Superiour Court, to be held in and for such County.

Executions to be returnable in Six Months.

Alias Executions then to be made out in Case.

AND whereas it has been thought warrantable for the Sheriff or Coroner that have, by virtue of Executions to them committed, after they have taken the Whole or Part of the Debt, to detain the same from the Creditor until the Return of the Execution;

For Remedy whereof;

Be it further enacted by the Authority aforesaid,

That when and so often as any Sheriff or Coroner shall have levied or taken the Whole or Part of the Debt, by Virtue of the Execution, he shall within Twelve Hours after the Receipt of said Money, deliver the same to the Plaintiff, Creditor, or any Person authorized by him, upon Demand being made thereof in the Town where the Officer dwells: And in case the Demand is made in another Town in said County, then he shall be allowed Forty eight Hours to pay the same: And upon his Neglect or Refusal as aforesaid, shall forfeit to the Creditor, treble the lawful Interest of the Sum so taken and detained by the Sheriff or Coroner, being convicted thereof, before the Court where the Writ of Execution is returnable.

Money levied by Execution not to be detained in the Officers hands

Penalty for detaining it when demanded.

CHAP.

CHAP. XVIII.

An Act obliging the Coroners within the several Counties of this Province to give Security for the due Performance of their Office.

Preamble.

WHEREAS by virtue of several Acts or Laws of this Province, the Coroners of the Counties are enabled in some Cases, to serve and execute Writts in Civil Actions, as well Original as Judicial, but are not obliged to give Bond for the faithful discharge of that Trust; whereby the Creditor or Plaintiff in such Process may be in danger of suffering Damage;

Coroners to give Bond before they serve Writts.

Be it therefore enacted by his Excellency the Governor, Council & Representatives in General Court assembled, and by the Authority of the same,

That from and after the Twenty-fifth Day of March, which will be in the Year of our Lord One thousand seven hundred and thirty seven, no Coroner shall have Authority to serve any Process or Writ, original or judicial, tho' to him directed, until such Time as such Coroner shall have given sufficient Security, for his faithful Behaviour, in the serving and executing all such Writts as aforesaid, as shall be committed to him, pursuant to the Laws of this Province, to the Satisfaction of the General Sessions of the Peace in the County where such Coroner lives; the Bond to be made payable to the Treasurer of such County, for the Use and Benefit of the Person or Persons that may be injured by the failure of the Coroner in that behalf.

Coroners answerable for their Deputies

And be it further enacted by the Authority aforesaid, That the several Coroners within this Province shall be answerable in the Law for their respective Deputies, in the same manner that the Sheriffs within this Province are answerable by Law for their respective Under-Sheriffs and Deputies, with Respect to the due Execution of their Office.

CHAP. XIX.

An Act for altering the Times appointed by Law for holding the Superiour Court of Judicature Court of Assize and General Goal delivery, and likewise the Inferiour Court of Common Pleas and General Sessions of the Peace, in the Counties of Essex, Bristol, Worcester and Nantucket.

Preamble.

WHEREAS the Time appointed by Law for holding the Superiour Court of Judicature Court of Assize and General Goal Delivery at Worcester, for the County of Worcester, is the very next Week succeeding the Time appointed by Law for holding the same Court at Bristol; which considering the Increase of Business of late in the County of Bristol, and the great Distance from thence to Worcester is found Inconvenient;

Times for holding the Superiour Court at Bristol and Worcester altered.

Be it therefore enacted by his Excellency the Governor, Council and Representatives in General Court assembled, and by the Authority of the same,

That from and after the Publication of this Act the Superiour Court of Judicature Court of Assize and General Goal delivery shall be holden at Bristol for the County of Bristol, on the Fourth Wednesday of October annually, and at Worcester, for the County of Worcester, on the Third Tuesday of September annually.

And

And be it further enacted by the Authority aforesaid,

That the Superiour Court of Judicature, Court of Assize and General Goal delivery at *Salem*, for the County of *Essex*, shall for the future be holden there on the second Tuesday of *November* annually. *Essex Superiour Court.*

And be it further enacted by the Authority aforesaid,

That the Inferiour Courts of Common Pleas and Courts of General Sessions of the Peace for the County of *Bristol*, shall for the future be holden at *Bristol*, for the County of *Bristol*, on the second Tuesday of the Months of *March*, *June*, *September* and *December* annually. *Bristol Inferiour Court.*

And be it further enacted by the Authority aforesaid,

That the Inferiour Court of Common Pleas and Court of General Sessions of the Peace hitherto held at *Worcester*, for the County of *Worcester*, on the second Tuesday of *August*, shall for the future be holden on the third Tuesday of *August* annually. *Worcester Inferiour Court.*

And be it further enacted by the Authority aforesaid,

That all Appeals, Reviews, Recognizances, Warrants or other Proceſs already issued, taken, filed, or to be filed, or any way depending, which are to be heard and tried at *Bristol*, for the County of *Bristol*, and at *Worcester*, for the County of *Worcester*, according to the Days already appointed by Law, shall not fail or be discontinued, but be valid and stand good to all Intents and Purposes in the Law, and be heard, tried and determined at the Time and Day set and appointed by this Act.

A N D whereas the Inhabitants of the Island of *Nantucket* complain of the great Hardship and Expence of Transporting their Criminals to the County of *Barnstable*, in order to be tried;

Be it further enacted by the Authority aforesaid,

That from henceforth all Capital Offences that shall arise or be committed within the Island of *Nantucket*, or the Dependencies thereof, shall be heard and tried at a Superiour Court of Judicature, Court of Assize and General Goal delivery, to be holden for that Purpose, within the Island of *Nantucket*, and at such Time as the Governour and Council, advising with the Justices of the said Court, shall from Time to Time direct and appoint, according as Occasion may be. *Court of Assize at Nantucket.*

CHAP. XX.

An Act for the better Regulating Swine.

Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,

That from and after the Publication of this Act, No Swine shall be suffered to go at large, or to be out of the Inclosure of the Owner thereof, under the Penalty of *One Shilling* for each Swine, for the first Offence, and *Two Shillings* for the second Offence, together with Costs of Prosecution, to be forfeited and paid by the Owner of such Swine found going at large, as aforesaid; Which Fine or Forfeiture together with the Charge of Prosecution, may be recovered by the proper Hovges, or any other Person, by Bill, Plaint or Information, before any One of His Majesty's Justices of the Peace in such County where such Forfeiture shall arise; or by Impounding such Swine, and proceeding with them, as the Law hath directed in case of Impounding. *No Swine to go at large.*

T t t t

AND

Regulating Swine.

Swine going
at large to be
impounded.

No Owner
appearing,
&c. Swine to
be sold.

Proviso,

Swine suffer-
ed by Town's
Vote to go
at large, to be
ringed & yoked.

Bigness of the
Yoke.

Hogreves to
be chosen in
March Meet-
ing.

Their Duty.

Penalty for
Refusal, and
Neglect.

A N D whereas it may so happen that the Owner of such Swine as go at large may not be known; In such case the Party that finds any Swine going at large shall have power to Impound them; And if no Owner appear within Forty eight Hours, or appearing, do neglect or refuse to pay the Forfeiture together with the Charges, that then the Party Impounding them shall cause them to be Cryed or posted up in the Town where they are Impounded, and in the Two Towns next adjoyning; and shall likewise cause the Marks of the Swine to be entred with the Town Clerk, and shall relieve such Swine during the time they are in Pound; and if no Owner appear and pay the said Penalty and Charges within Ten Days after such Impounding, then such Swine shall be Sold at an Out-cry to the highest Bidder, by Two suitable Persons to be Appointed and Sworn to the faithful Discharge of their Trust, by the next Justice of the Peace, or Town Clerk, where no Justice dwells; which Sellers shall give publick Notice of the Time and Place of such Sale Twenty-four Hours before-hand; and out of the Proceeds of such Sale shall pay unto the Party the said Forfeiture and Costs, as by Bill allowed by said Justice, or Town Clerk, and the Surplusage thereof he shall deliver to the Treasurer of such Town, to be kept for the unknown Owner; and if no Owner do appear within the space of One Year, then the Town Treasurer shall deliver the one half of the said Surplusage to the Prosecutor, and the other half to the Overseers of the Poor, for the use of the Poor of such Town. *Provided nevertheless*, That it shall be in the Power of any Town in a Town Meeting for that purpose appointed, by a Vote to give Liberty for Swine going at large within the Bounds of such Town; and in such case it shall be lawful for any and every Person or Persons to suffer his or their Swine to go at large; Any thing in this Act before contained to the contrary notwithstanding. *Provided always*, That every Person suffering his Swine to go at large by virtue of such Town Vote, shall before he suffer his Swine to go at large, as aforesaid, cause each of them to be well and sufficiently Yoked and Ringed in the Nose, and constantly kept so Ringed and Yoked; otherwise he shall be liable to and shall pay the Forfeiture and Cost, as is by this Act before-mentioned and provided; Saving that they may go Unyoked from the last Day of October to the first Day of April.

A N D to the Intent all Persons may know what a sufficient Yoking doth mean; **It is hereby Declared**, That no Yoke shall be accounted sufficient, which is not the full Depth of the Swine's Neck above the Neck, and half so much below the Neck; and the sole or bottom of the Yoke three times as long as the breadth or thickness of the Swine's Neck.

A N D for the Rendering this Act more Effectual.

Be it further Enacted by the Authority aforesaid, That every Town within the Province at their Annual Meeting in March to choose Town Officers, shall choose Two, or more Hogreves, but not the same Persons more than once in Four Years, and in case any Town shall at any time hereafter neglect to chuse Hogreves at such Meeting, that in every such case the Select-Men of such Town are impowered and required to appoint Hogreves, until a suitable number do accept and are Sworn, whose Duty it shall be, upon Complaints to them or either of them made, to take due care that this Act be duly observed, and to prosecute the Breakers thereof, which Hogreves shall be Sworn to the faithful and impartial Discharge of their Office; and if any Person so chosen or appointed shall refuse or neglect forthwith to be Sworn as aforesaid, or neglect his Duty in said Office, he shall forfeit and pay *Twenty Shillings*, to the use of the Poor of such Town; and upon his refusal, another shall be forthwith appointed in his room by the Select-Men, to be under the like Penalty, and so till others will accept the said Service; which Penalty shall be Recovered by a Prosecution before one of His Majesty's Justices of the Peace in the County where such Person dwells: And if (upon neglect of any Town to choose Hogreves according as by this Act they are required) the Select-Men of such Town

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Town shall fail of appointing Hogreves, as they are by this Act directed, they shall forfeit and pay the Sum of *Twenty Pounds* for such neglect, the one half to His Majesty for and towards the Support of the Government, the other half to him that shall prosecute for such neglect in any of His Majesty's Courts of Record within this Province; and if it shall appear that any of the Select-Men were ready and willing to do their Duty required by this Act, the Penalty or Forfeiture shall be laid on those only who shall be negligent of their Duty by this Act required.

Penalty on the Select-Men for Towns not having Hogreves.

Provided, That this Act continue and be in force for the space of Ten Years from the Publication thereof, and to the end of the then next Sitting of the General Court, and no longer.

Limitation.

CHAP. XXI.

An Act in further addition to the Act encouraging the Killing of *Wolves*, made in the Fifth Year of the Reign of King *William* and Queen *Mary*.

5 W. & M. ca. 9.

Be it enacted by his Excellency the Governour, Council & Representatives in General Court assembled, and by the Authority of the same,

That the Reward for any Wolf or Wolf's Whelp killed since the Sixth Day of *July* last, or that shall be killed after the Publication of this Act shall be as follows, viz. the Sum of *Four Pounds* for a Wolf, and for a Wolf's Whelp (other than such as shall be taken out of the Belly of any Bitch Wolf) the Sum of *Twenty Shillings*.

Reward of 4 for killing a Wolf's Whelp 10 s.

AND for preventing of Fraud in any Person that shall bring the Head of any Wolf or Wolf's Whelp to the Constable of any Town, killed without the Bounds of the Province;

Be it Enacted by the Authority aforesaid, That when and so often as any Person shall bring the Head of any grown Wolf or Wolf's Whelp to the Constable of any Town or District within this Province, and it be suspected that such Wolf or Wolf's Whelp was not killed within the same, such Person or Persons shall not be intitled to the Reward in this Act provided, until he or they make Oath before one of His Majesty's Justices of the Peace, or Select-Men of the Town, in such Town where no Justice of the Peace dwells, who are hereby empowered to administer the same, that such Wolf or Whelp was *bona fide* killed within this Province.

Oath to be made for the killing of a Wolf.

And be it further enacted by the Authority aforesaid,

That if any Indian or Indians shall kill any Wolf or Wolf's Whelp within this Province, they shall be entituled to the same Reward in this Act provided for the killing of Wolves or Wolf's Whelps, in case such Indian or Indians bring the Head of such Wolf or Wolf's Whelp to a Constable, and satisfy the Select-Men of the Town, where the Wolf or Wolf's Whelp is brought, that they were killed in this Province.

Indians intitled to the Reward, in case.

AND whereas it hath been the Practice in some Parts of the Province to bring in the Pate or Scalp of a Wolf, instead of the Head, whereby the Constable and Select-Men are liable to be imposed on;

For preventing whereof,

Be it therefore enacted by the Authority aforesaid,

That no Constable or Select-Men for the future shall take or receive any Pate or Scalp of any Wolf, or give Receipt of the same for Payment thereof, on Penalty of Forfeiting the Sum of *Four Pounds*, one Moiety thereof to His Majesty for and towards the Support of this Government, and the other Moiety to him or them that shall Sue for the same.

No Pate or Scalp to be received, or Receipt passed by a Constable or Select-Men.

Provided, This Act shall continue in force until the end of the Session of this Court in *May*, *One thousand seven hundred and forty-six*, and no longer.

Limitation.

CHAP.

An Act for encouraging the Killing of Wild-Cats.

Preamble. *WHEREAS* there hath been of late, in several Places within this Province, great Mischiefs and Damages done by certain Beasts of Prey called Wild Cats, Killing and Devouring Sheep, Lambs, and other useful and profitable Creatures;

Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That whosoever hath since the Eighteenth Day of August last past, or shall from and after the Publication of this Act, Kill any Wild Cat within this Province, and bring the Head thereof unto the Constable of the Town in which such Wild Cat shall be killed, or to the Constable of the Town next adjacent to the Place where such Wild Cat was killed, (if it be without the Bounds of any Township) the Constable in the presence of one or more of the Select-Men shall cut both Ears from off the Head of such Wild Cat, and burn them to Ashes, and such Select-Man, or Select-Men and Constable shall give the Party a Receipt for the said Wild Cat, expressing whither it be in their Judgment a Year old or under, and upon producing such Receipt, the Party shall be paid and allowed by the Select-Men or Treasurer of such Town out of the Town Stock, the Sum of *Twenty Shillings* for every Wild Cat of One Year Old or upwards; and the Sum of *Ten Shillings* for every Wild Cat under that Age, in the Judgment of the Select-Man or Select-Men and Constable before whom the same shall be brought as aforesaid; and all such Payments so made shall be allowed by the Treasurer and Receiver General of the Province, upon his receiving a Certificate under the Hands of a major part of the Select-Men in such Town and Town-Treasurer (where any such be) or Town Clerk, which Certificate shall be in the following Form, *Viz.*

Method to be taken upon the killing of Wild Cats.

Premium for killing of Wild-Cats to be paid by the Treasurer of the Province.

Form of the Certificate.

Towns im-power'd to Assess Inhabitants for said Premium.

Limitation.

Mr. Treasurer,
THIS may Certify, That there hath been paid out of the Town Stock of A. for grown Wild Cats, and Wild Cats under a Year Old, killed in or near the Town, since the Day of last past, and the Head thereof brought unto our Constable or Constables, and the Ears Cut off in the Presence of some of ourselves as the Law directs, and so Certified unto us in the whole the Sum of which Sum we desire you to allow to our Town, by paying the same unto our Town Treasurer. Dated in aforesaid the Day of Anno Domini. 17 } Select-Men, Town Treasurer or Town Clerk.

And be it further enacted by the Authority aforesaid, That the Select-Men of each Town respectively shall be and hereby are sufficiently Authorized and Impowered to Assess the Inhabitants of their Town Yearly, in due proportion as near as they can, such Sum and Sums as they shall judge necessary to answer the Payments to be made out of the Town Stock as aforesaid, together with other Charges of the Town, and to cause the same to be Collected in manner as is by Law directed for the gathering of Town Rates.

THIS Act to continue and be in Force Ten Years from the Publication thereof.

21 JY 60

[The Seventeen foregoing Acts, were Publish'd Feb. 6. 1736, 7.]

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